

**ENTERED**

January 24, 2025

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****IN RE:****KATHERINE MARIE HIGGINS,****Debtor.**§  
§  
§  
§  
§  
§  
§**CASE NO: 24-32044****CHAPTER 7****ORDER*****Resolving ECF No. 108, 112, 118***

Pending before the Court are three matters self-styled as (1) “Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004 Examination Notice and For Sanctions”<sup>1</sup> (the “*Motion to Compel*”) filed by Marie Duncan Earthman (“*Creditor*”) on November 21, 2024; (2) “Amended Non-Party Alice “Lisa” Whiting Response to Motion to Compel and Motion of Alice “Lisa” Whiting For Sanctions Against Marie Duncan Earthman”<sup>2</sup> (the “*Response*”) filed by Alice “Lisa” Whiting (“*Whiting*”) on December 16, 2024; and “Motion to Strike Alice “Lisa” Whiting’s Amended Response to Marie Duncan Earthman’s Motion to Compel and Motion for Sanctions Against Marie Duncan Earthman And Alternative Reply in Support”<sup>3</sup> (the “*Motion to Strike*”) filed by Creditor on December 30, 2024.

The Motion to Strike purports to strike the Response pursuant to Bankruptcy Local Rule 9013-1(g)(1) due to the Response’s failure to include a certificate of conference.<sup>4</sup> The Court finds that the Response fails to satisfy Bankruptcy Local Rule 9013-1(g)(1) as the Response does not include a certificate that either (i) a conference was held and the parties were unable to resolve the matter; or (ii) the specific dates that the respondent attempted to contact the movant and the reason why no conference was held.<sup>5</sup> As such, the Court finds that the Motion to Strike is granted and the Response is struck. Furthermore, the Court finds the Motion to Strike may be granted pursuant to Bankruptcy Local Rule 9013-1(g)(2). Accordingly, it is therefore:

**ORDERED:** that

1. “Motion to Strike Alice “Lisa” Whiting’s Amended Response to Marie Duncan Earthman’s Motion to Compel and Motion for Sanctions Against Marie Duncan Earthman And Alternative Reply in Support”<sup>6</sup> filed by Marie Duncan Earthman on December 30, 2024, is GRANTED.

---

<sup>1</sup> ECF No. 108.

<sup>2</sup> ECF No. 112.

<sup>3</sup> ECF No. 118.


<sup>4</sup> ECF No. 118 at 2.

<sup>5</sup> BLR 9013-1(g)(1).

<sup>6</sup> ECF No. 118.

2. “Amended Non-Party Alice “Lisa” Whiting Response to Motion to Compel and Motion of Alice “Lisa” Whiting For Sanctions Against Marie Duncan Earthman”<sup>7</sup> filed by Alice “Lisa” Whiting on December 16, 2024, is STRUCK.
3. “Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004 Examination Notice and For Sanctions”<sup>8</sup> filed by Marie Duncan Earthman on November 21, 2024, is GRANTED as follows:
  - a. Alice “Lisa” Whiting is ORDERED to produce the documents requested in Marie Duncan Earthman’s Rule 2004 Notice and Subpoena Duces Tecum<sup>9</sup> by January 31, 2025.
  - b. Alice “Lisa” Whiting is ORDERED to appear for her Rule 2004 examination at a time and place directed by Marie Duncan Earthman’s counsel by February 7, 2025.
  - c. Pursuant to Federal Rule of Civil Procedure 37(a)(5)(A), Alice “Lisa” Whiting is ORDERED to pay Marie Duncan Earthman’s reasonable expenses incurred in making the “Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004 Examination Notice and For Sanctions”<sup>10</sup> including attorney’s fees.
  - d. Marie Duncan Earthman shall have until January 31, 2025, to file an application for its fees and expenses incurred in pursuing its “Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004 Examination Notice and For Sanctions”<sup>11</sup>.
  - e. Alice “Lisa” Whiting shall have until February 7, 2025, to file a response, if any, to Marie Duncan Earthman’s fee application.
4. The hearing scheduled on the “Motion to Compel Production of Documents From Alice Whiting Pursuant to Rule 2004 Examination Notice and For Sanctions”<sup>12</sup> for January 31, 2025, is CANCELLED.
5. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

SIGNED January 24, 2025

  
Eduardo V. Rodriguez  
Chief United States Bankruptcy Judge

---

<sup>7</sup> ECF No. 112.

<sup>8</sup> ECF No. 108.

<sup>9</sup> ECF No. 108-2.

<sup>10</sup> ECF No. 108.

<sup>11</sup> ECF No. 108.

<sup>12</sup> ECF No. 108.